

Special Civil Application No.6354 of 1995.

Coram:R.R.Jain, J.

December 4, 1995.

Order:

Mr. P.G. Desai, learned advocate, appears and waives service of notice on behalf of respondent-Corporation.

Vide award under challenge passed by Labour Court, Rajkot in Reference No.1650/84, the petitioner was ordered to be reinstated with backwages from 11.3.1989 onwards. Aggrieved by the order of reinstatement and payment of backwages, respondent Corporation had also filed Special Civil Application No.6350 of 1995 which has already been disposed of. As the service of the petitioner came to be terminated from 1984 but backwages are ordered from 11.3.1989 only, the petitioner too has challenged the award vide this petition, fortification of his case for getting backwages for the period between 23.7.1984 to 10.3.1989 which is not awarded.

The petitioner has already been reinstated and backwages, as ordered by the Labour Court, have already been paid. The only question arising for consideration would be whether the Labour Court has erred in not granting backwages for the period between July 1984 to March 1989. Grant of backwages is a matter of discretion of Court and has to be exercised having regard to the facts and circumstances. It requires appreciation of facts. I do not find anything on record which may suggest that the Labour Court has erroneously exercised discretion for not granting backwages for the disputed period. On the contrary, appreciating the facts, the Labour Court has attributed delay in disposal to the petitioner only and keeping in mind the delay on the part of the petitioner, the Labour Court refrained from granting backwages for the period bracketed under the caption of delay.

In this view of facts, in absence of any patent error of law or infirmity and irregularity, this Court is not inclined to interfere. Hence the petition is rejected. Notice discharged.

4.12.1995. (R.R.Jain, J.)

